

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 660 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ABDUSLAMAD @ IBRAHI IMAMBHAI SHAIKH

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 660 of 1993
MS DR KACHHAVAH for Petitioner No. 1-2
MR ND GOHIL APP for Respondent No. 1
-

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 12/07/2001

ORAL JUDGEMENT

#. This is an appeal filed by the appellant accused in
1993 which was admitted by the Division Bench of this

court on 3.8.1993 and bail was refused regarding appellant accused No.1. However, the appellant accused No.2 was released on bail. Immediately after passing of that order the file was taken away from Ms.Kachhavah as stated at the Bar and thereafter in spite of the repeated attempts made by her, no response was given to her by the appellants-accused. Therefore, she pleads no instructions when the matter is called out today.

#. Under the circumstances, this court had no option but to peruse the judgment and order of conviction and sentence passed by learned Trial Judge convicting appellant accused No.1 for the offences under Section 307 IPC and sentenced to suffer R.I. for 4 years and to pay fine of Rs.1,000/= in default to undergo further R.I. for six months and convicting the appellant No.2 for the offences under Section 307 read with Section 114 of IPC R.I. for 2 years and to pay a fine of Rs.500/= in default to further undergo R.I. for 3 months.

#. When the appellant-accused No.1 is not released on bail then by now he must have undergone the sentence therefore, que him appeal does not survive any more.

#. Under the circumstances, case of appellant No.2 was only required to be considered.

#. Having carefully gone through the reasons assigned by the learned judge for convicting the appellants accused for the offences under Section 307 and Section 307 read with Section 114 of IPC and evidence of the prosecution witnesses it cannot be said that learned trial judge has committed any error while convicting accused for the aforesaid offences.

Hence this appeal fails and the same is dismissed. Bail bonds of appellant No.2 stands cancelled forthwith.

(B.J.Shethna, J.)

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